

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DUSA PHARMACEUTICALS, INC.,

and

SIRIUS LABORATORIES, INC., a  
wholly-owned subsidiary of DUSA  
PHARMACEUTICALS, INC.,

Plaintiffs,

v.

RIVER'S EDGE PHARMACEUTICALS,  
LLC,

Defendant.

CIVIL ACTION NO. 06-1843 (SRC)

STIPULATED ORDER OF  
DISMISSAL AND FINAL DECISION

THIS MATTER, having been brought before this Court by Plaintiffs DUSA Pharmaceuticals, Inc., and Sirius Laboratories, Inc. a wholly-owned subsidiary of DUSA Pharmaceuticals, Inc. (collectively, "Plaintiffs"), and by Defendant River's Edge Pharmaceuticals, LLC ("Defendant") by way of a Stipulated Order of Dismissal and Final Decision ("Stipulated Order"), and the Court having considered the Stipulated Order, and for good cause shown,

On this \_\_\_\_ day of \_\_\_\_\_, 2007, the Court Finds and Orders as follows:

1. Plaintiff DUSA Pharmaceuticals, Inc. is the owner of the '468 Patent.
2. The '468 Patent is presumed by statute to be valid and enforceable, and Plaintiff has valid and enforceable rights to the '468 Patent.
3. Defendant has not sustained its burden of proving by clear and convincing evidence the invalidity of any of claims 1-16 in the '468 Patent. Accordingly, all claims in the '468 Patent remain presumptively valid and enforceable.
4. All other issues in this case are the subject of a Settlement Agreement and Mutual Release executed by the parties, as to which the Court expresses no findings or conclusions.
5. Plaintiffs and Defendant waive their right to appeal or otherwise seek relief from this Stipulated Order.
6. This Stipulated Order is final and binding upon the parties and shall finally resolve all claims in this action between Plaintiffs and Defendant.
7. The above captioned matter is hereby dismissed with prejudice and without the award of attorney's fees or costs to either party.
8. The Court shall retain jurisdiction over this matter to enforce the terms of this Stipulated Order and the parties' Settlement Agreement and Mutual Release.

\_\_\_\_\_  
The Honorable Stanley R. Chesler,  
United States District Judge  
District of New Jersey

The Undersigned hereby consent to the form and entry of this Stipulated Order:

**DUSA PHARMACEUTICALS, INC.**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**SIRIUS LABORATORIES, INC., a wholly-owned subsidiary of DUSA  
PHARMACEUTICALS, INC.**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

**RIVER'S EDGE PHARMACEUTICALS, LLC**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

# ReedSmith

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October 30, 2007

**VIA ECF AND OVERNIGHT MAIL**

The Honorable Stanley R. Chesler, U.S.D.J.  
United States District Court  
M.L. King, Jr. Federal Building  
& United States Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

**Re: DUSA Pharmaceuticals, Inc., et al. v. River's Edge Pharmaceuticals, LLC.**  
**Civil Action No. 06-1843 (SRC)**

Dear Judge Chesler:

I am writing to advise Your Honor that the above captioned litigation has settled. Accordingly, enclosed please find a Stipulated Order of Dismissal and Final Decision, which has been duly executed by the parties. If the enclosed Stipulation meets with Your Honor's approval, the parties respectfully request that Your Honor execute the Stipulation.

Respectfully submitted,

**REED SMITH LLP**

*/s/ Daniel Mateo*

Daniel Mateo

Enclosures

cc: Robert Brazier, Esq. (w/enclosure via: ECF)  
Diane Stolbach, Esq. (w/enclosure via: ECF)

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